

Message Text

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PAGE 01 PEKING 00515 180950Z
ACTION PPT-01

INFO OCT-01 ISO-00 EA-06 SCA-01 /009 W
-----180958Z 105017 /10

P R 180900Z MAR 77
FM USLO PEKING
TO SECSTATE WASHDC PRIORITY 7427
INFO AMCONSUL HONG KONG

C O N F I D E N T I A L PEKING 0515

LIMDIS

FOR EA/PRCM AND SCA

E.O. 11652: GDS
TAGS: CPAS, CASC, CH (CHAO YUN-HUI)

REF: STATE 054186

1. SUMMARY: CHAO INFORMED USLO MARCH 17 THAT PUBLIC SECURITY BUREAU HAS CONFISCATED HER 1948 PASSPORT AND FORBIDDEN HER TO HAVE FURTHER CONTACT WITH USLO.

ACTION PROPOSED: USLO RECOMMENDS THAT CHAO'S NEW US PASSPORT BE SENT TO HER BY DOUBLE-REGISTERED MAIL.
END SUMMARY.

2. ON MARCH 17 CHAO TELEPHONED USLO AND INFORMED US THAT FOREIGN AFFAIRS SECTION OF PEKING PUBLIC SECURITY BUREAU HAD CONFISCATED HER 1948 US PASSPORT, HAD TOLD HER THAT THE PRC DOES NOT RECOGNIZE HER US CITIZENSHIP, AND HAD FORBIDDEN HER TO HAVE ANY FURTHER CONTACT WITH USLO. CALL ITSELF WAS VIOLATION OF THIS PROHIBITION.

3. USLO OFF, ASSUMING CALL WAS MONITORED, ADVISED CHAO TO DO NOTHING IN VIOLATION OF PSB STRICTURES, AND THAT USLO
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 PEKING 00515 180950Z

WOULD ENDEAVOR TO RESOLVE MATTER ON HER BEHALF.

4. BASED ON THE RECORD IN DANIEL KELLY, ARCHIE KAI-LI AND OTHER PENDING US CITIZENSHIP CLAIMANT CASES, AN APPROACH TO MFA AT THIS STAGE REQUESTING ASSISTANCE IN ARRANGING FOR CHAO TO VISIT USLO WOULD EITHER (1) RESULT IN MFA'S DECLARING CHAO A PRC CITIZEN AND THEREFORE NOT

ALLOWED ACCESS TO USLO, OR (2) BE COMPLETELY IGNORED.

5. AN ALTERNATIVE IS TO SEND CHAO A US PASSPORT BY DOUBLE-REGISTERED MAIL SHORTLY AFTER MARCH 21, STATING IN COVERING LETTER THAT USLO WAS SENDING HER "RENEWED" PASSPORT BY MAIL BECAUSE OF HER NON-APPEARANCE AT SCHEDULED MARCH 21 INTERVIEW. THIS ACTION WOULD SERVE TWO PURPOSES:

A. IT WOULD DOCUMENT CHAO AS A US CITIZEN, RATHER THAN LEAVE HER IN THE LIMBO OF MERELY HAVING A CLAIM TO US CITIZENSHIP. THIS WOULD SIGNIFICANTLY AFFECT HER STATUS IN COMPARISON WITH THAT OF KELLY, LEE, AND TOERH CLAIMANTS, AND WOULD IN ANY EVENT LEAVE HER IN NO WORSE POSITION THAN SHE IS NOW.

B. IT WOULD PRESENT THE MFA WITH A FAIT ACCOMPLI WHICH IT COULD NOT IGNORE - AS IT COULD WITH A USLO REQUEST TO ALLOW CHAO TO VISIT USLO.

6. USLO DOES NOT BELIEVE WE ARE BOUND BY "PRECEDENTS" IN DANIEL KELLY AND ARCHIE KAI-LEE CASES IN HANDLING CHAO CASE. THERE ARE SIGNIFICANT DIFFERENCES. DANIEL KELLY WAS BORN IN CHINA AND APPARENTLY WAS REGISTERED AS A CHINESE CITIZEN BY HIS MOTHER. IN ARCHIE LEE'S CASE -MOST SIMILAR TO CHAO'S - LEE RETURNED TO THE PRC AS AN ADULT, AND MFA BASED ITS ASSERTION OF THE "UNAMBIGUITY" OF HIS PRC CITIZENSHIP ON FACT THAT HE FORMALLY RENOUNCED ALLEGIANCE TO THE KMT, RETURNED VOLUNTARILY TO THE PRC, AND SERVED FOR TWENTY YEARS IN A PRC STATE AGENCY. CHAO, IN CONTRAST, WAS BROUGHT BACK TO CHINA AS AN INFANT AND CLAIMS NEVER TO

CONFIDENTIAL

PAGE 03 PEKING 00515 180950Z

HAVE BEEN DOCUMENTED AS A PRC CITIZEN.

7. ON TECHNICAL SIDE, COFONN IS NOW SATISFIED AS TO CHAO'S IDENTITY, BASED ON STATEMENTS AT FEBRUARY 21 INTERVIEW WHICH MATCH FACTS CONTAINED IN DEPARTMENT'S PASSPORT FILES (REFTEL). DURING MARCH 17 TELEPHONE CONVERSATION, CHAO ALSO ASKED WHAT SHE SHOULD NOW DO WITH IDENTITY DOCUMENTS SHE HAD ASSEMBLED FOR MARCH 21 INTERVIEW, INDICATING THAT THESE WOULD HAVE SERVED TO CORROBORATE HER IDENTITY. AS FOR PASSPORT FEE, USLO CAN ASK HER TO SUBMIT FUNDS AT EARLIEST CONVENIENCE, BY MAIL OR IN PERSON. CHAO LEFT ONE SLIGHTLY-UNDERSIZED SIGNED PASSPORT PHOTO (W AND 3/8 INCHES BY 2 AND 1/2 INCHES) AT FEBRUARY 21 INTERVIEW, WHICH WE FIND ACCEPTABLE UNDER CIRCUMSTANCES. CHAO SUBSCRIBED AND SWORE TO CHINESE-LANGUAGE PASSPORT FORMS, BUT DID NOT HAVE OPPORTUNITY TO SIGN ENGLISH-LANGUAGE VERSIONS SUBSEQUENTLY PREPARED FOR MARCH 21 INTERVIEW.

8. REQUEST DEPARTMENT'S CONCURRENCE IN ACTION PROPOSED.

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Message Attributes

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